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TAGS: PREL PROG UNSC BK
SUBJECT: HIGH REPRESENTATIVE SCHWARZ-SCHILLING SPEAKS
BEFORE UNSC ON BOSNIA

Classified By: Ambassador John R. Bolton, Reasons 1.4 (b) and (d).

¶1. (C) Summary: In a UNSC meeting on Bosnia and Herzegovina on April 18, High Representative Christian Schwarz-Schilling said it was time for Bosnia and Herzegovina (Bosnia) to fulfill the vision outlined in the Dayton Agreement of 1995. As a consequence of this progress, Schwarz-Schilling will devote this year to winding down the Office of the High Representative's (OHR) responsibilities so they can be taken over in 2007 by an EU Special Representative Office. He advised the international community to resist "temptations to intervene" in Bosnia, recommending local authorities "take ownership" of a new democracy moving toward Euro-Atlantic integration and rule of law. The High Rep also called repeatedly for Bosnia's parliament to pass before the October elections a package on constitutional reform that was agreed to by Bosnian political leaders on March 18. He also appealed for full ICTY cooperation, including the handing over of Mladic and Karadzic to the Hague. The High Rep ended his briefing with a call for the UNSC to become directly involved in resolving the police dispute by setting up a body to review cases of Bosnian police officers protesting decertification by the International Police Task Force (IPTF) in 2002. In connection with this recommendation, he offered to send an expert to New York to work with the UN. He also opined that the Venice Commission findings should be the basis for discussion of the police issue. Prime Minister Terzic, who was also present and spoke, reinforced the High Rep's calls both for greater ownership in Bosnia and for UNSC action on police decertification. End Summary.

Schwarz-Schilling Ownership Needed for Bosnia, Police Decertification a Problem

¶2. (C) Delivering a strong address, High Representative Christian Schwarz-Schilling called the present time "crucial for Bosnia because the period of post-war reconstruction was coming to an end." The High Rep's responsibility is to bring that period to a close and steer Bosnia toward a Euro-Atlantic future. A key task for OHR is to oversee its own demise and the establishment of an EU Special Representative Office, bringing an end to the Bonn Powers. The High Rep hoped these goals could be accomplished by the first or second quarter of 2007. To do so, "ownership" is needed by Bosnia so it could "assume full responsibility as a democracy." The international community had to resist temptations to intervene, even when it seemed that "short-term gains" could be realized. "Continued intervention is not consistent with an independent and sovereign Bosnia," he asserted.

¶3. (C) The High Rep outlined what he saw as the three priorities for Bosnia in 2007: constitutional reform, October's general elections and Stabilization and Association Agreement (SAA) negotiations with the EU. On constitutional

reform, Schwarz-Schilling called for Bosnia's parliament to pass a reform package that political leaders had agreed to in March after month-long negotiations. He said a parliamentary decision to pass the package would send the right message to Europe and the entire international community. Serious progress was needed on the economy and education and, it was also necessary to do away with restrictive visa regimes that could hamper that progress. On another matter, remaining ICTY issues needed to be resolved or Bosnia would not be able to take the next steps toward Euro-Atlantic integration. The High Rep also noted he was instituting "a parallel system" to gradually do away with bans imposed by previous High Reps under the Bonn Powers, except for those related to ICTY cooperation.

¶4. (C) Turning to police decertification, the High Rep said he wanted to see the issue resolved before the end of OHR's mandate, adding that he "fully supported the Bosnian government." The High Rep said he "had the support of the EU" and asserted the problem should be resolved "constructively and to the credit of the Security Council," and offered to send experts to New York to work alongside EU representatives and the Secretariat to set up a body to review disputed cases. "We should not at the same time preach rule of law and responsibility for ownership and ignore this issue," he charged. The High Rep revisited this issue at the end of the meeting, following a request by Slovakia for more specifics on his thinking, saying he believed the issue needed to be resolved as "part of the international community phasing out its role in Bosnia." "The Bosnian government is under great pressure from the media, human rights organizations and the decertified police themselves to do something," he added. IPTF decertification had been an important and largely successful exercise, but, a lack of corrective action now would vindicate voices in

Bosnia that argued the IPTF's actions had been wrong in the first place. The Venice Commission's findings were "not legally binding, but provided good scope for discussion."

Terzic: Reinforces the Message on IPTF Decertification

¶5. (C) Speaking next, Prime Minister Terzic said he was pleased to address the Security Council at the same time as the "new and certainly last High Representative," asserting the job of continuity now rested with the Prime Minister. Bosnia had achieved the goal of signing an SAA through surviving tough reforms, he stressed, arguing that Bosnia's experience made it a successful model for other post-conflict areas. The key to Bosnia's success had been "the unified voice of the international community joined by the local people." The Prime Minister then raised police decertification, calling it "the main reason for his address before the UNSC." He noted that of 598 decertified former-police officers, all were banned for life from further work in law enforcement and for 150 of them the right to challenge their decertification was withheld "because the decision was taken on the last day of the IPTF mandate." Terzic explained that he had raised this issue in the past with the UN's Mark Malloch Brown and U/SYG Guehenno. Terzic stressed that he believed only the Security Council could offer a solution and noted that Permanent Representative Prica had sent a letter to the Council President requesting a review of options. The Prime Minister ended with a request for immediate action to "preserve the principles of the UN Charter of Human Rights."

EU Statement

¶6. (C) Speaking on behalf of the EU, Austrian Permanent Representative Pfanzelter noted that the European Police Commission (EUPM) had provided useful advice and support to Bosnia on police reform, but additional support from the international community was needed. He also echoed the High Rep's call for parliamentary passage of the constitutional reform package before October elections. Pfanzelter also encouraged Bosnia's authorities to take necessary steps to

complete SAA negotiations, including on ICTY cooperation. Ten years after the end of the war in Bosnia, it was indeed time for more ownership and restriction of the Bonn Powers to those related to "ICTY cooperation and Dayton stability." Finishing with the subject of police decertification, Pfanzelter noted that the PIC Steering Board, at a meeting of Political Director's on March 15, had expressed support for a limited OHR role if the UN were ready to take the lead. He noted that EUPM should stand ready to provide "limited logistical support to the UN, within its existing budget and without prejudice to the implementation of its mandate."

Statements By Other Council Members: UK Greece, France, U.S. and Russia

¶7. (C) The UK urged parliamentary ratification of a constitutional reform package and noted any review of the Bonn Powers should "reflect the situation on the ground, especially ICTY factors" and urged quick progress on police reform "before the September deadline." On police decertification, we should review all options and look at the outcome of meetings this week between the High Rep and the Secretariat. Greece praised the launching of SAA

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negotiations, saying a clean break with the past meant Mladic and Karadzic in the Hague, which was also necessary for entry into NATO's Partnership for Peace. On police decertification, Greece said "real and pragmatic solutions" were needed to resolve the problem definitively and hoped "OHR could contribute substantively." France voiced support for High Rep Schwarz-Schilling and the need for a consistent harmonious approach, and welcomed the role the U.S. is playing on constitutional reform.

¶8. (C) In the U.S. statement, Ambassador Bolton agreed with others on the importance of constitutional reform and stressed the U.S. commitment to help Bosnia achieve the goal of signing an SAA by the end of the year. The U.S. was committed to working with other UNSC members to address the issue of police decertification. Russia in its statement stressed the importance of continued reform, but, said reform needed to keep in mind the interests "of all parties" and "progress on constitutional reform and elections was linked." Russia shared the High Rep's concerns on police decertification and was willing to review the issue, but, any solution had to "be in line with the UN Charter."

Slovakia and Qatar: Support for Bosnian Position on Police Decertification

¶9. (C) Calling on the High Rep to elaborate further on his ideas, Slovakia's Permrep focused on police decertification, arguing that all should have "due process and the right of appeal." It was important to keep in mind the "sensitivity of the situation" and the "credibility of Sarajevo's new leadership." Qatar stated there had been no way to contest decisions and the UN should therefore establish a new mechanism to review past cases.

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